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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/893,663	06/29/2001	Tsutomu Chiba	210608US2	9397

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OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C.
1940 DUKE STREET
ALEXANDRIA, VA 22314

EXAMINER

RHODE JR, ROBERT E

ART UNIT	PAPER NUMBER
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3625

DATE MAILED: 04/29/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/893,663

Applicant(s)

CHIBA, TSUTOMU

Examiner

Rob Rhode

Art Unit

3625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) 11-18 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 and 19-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 June 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☒ Certified copies of the priority documents have been received in Application No. 09/893,663.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>2</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

Applicant's election without traverse of claims 1 – 10 and 19 - 23 in Paper No. 5 is acknowledged.

Claims 11 – 18 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected claims, there being no allowable generic or linking claim. Election was made **without** traverse in Paper No. 5.

Priority

Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Specification

The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

In Claims 19 - 23, the claimed invention is directed to non-statutory subject matter. The claim is directed to a process that does nothing more than manipulate an abstract idea. There is no practical application in the technological arts. See *In re Musgrave*, 167 USPQ 280 (CCPA 1970) and *In re Johnston*, 183 USPQ 172 (CCPA 1974). For example in claim 19, the invention in the body of the claim does not recite the use of nor incorporate any technology in carrying out the recited method steps and therefore is not statutory. If the invention in the body of the claim is not tied to the technological arts, environment or machine, the claim is not statutory. See *Ex parte Bowman*, 61 USPQ2d 1665, 1671 (BD. Pat. App. & Inter. 2001) [Unpublished] and note MPEP 2106 IV 2(b). While *Bowman* is not precedential, it has been cited for its analysis.

Claims 6 – 10, the claimed invention recites a program per se and therefore does not fall within a safe harbor. See MPEP 2106.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1 - 10 and 19 – 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Thackston (US 6,295,513 B1) in view of an obvious variation.

Regarding claim 1 and related claims 6 and 19, Thackston teaches a method, apparatus and a program of assisting the placing of an order for manufacturing a semiconductor device, comprising:

registering a maker group of interfaced makers (see at least Abstract, Col 4, lines 16 – 22 and Figures 1 – 9, 16A and 26) including:

organizing a maker group from makers of different categories to manufacture a semiconductor device in collaboration with one another (see at least Abstract, Col 4, lines 41 – 50, Col 5, lines 21 – 31 and Col 6, lines 53 – 63);

confirming interfaces among the makers in the organized maker group, the interfaces serving to hand over materials among the makers to complete a semiconductor device (see at least Col 8, lines 45 – 57, Col 18, lines 23 – 27 and Col 28, lines 12 – 13); and

introducing maker groups of interfaced makers registered through the registering (see at least Col 34, lines 4 – 6 and Col 36, lines 42 – 58), including: means for retrieving maker groups that satisfy specifications set for a given semiconductor device (see at least Col 36, lines 59 – 63 and Col 38, lines 39 – 54). Please note that the recitation in claims 1, 6 and 19 of “assisting the placing of an order for manufacturing for a semiconductor device” is given little patentable weight. The recitation does not move to patentably define the instant apparatus, program and method from the apparatus, program and method of Thackston.

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Regarding claim 2 and related claims 7 and 20, Thackston teaches a method, wherein: said registering a maker group includes inviting makers (Col 34, lines 36 – 37 and Col 42, lines 40 – 44).

Regarding claim 3 and related claims 8 and 21, Thackston teaches a method, wherein: said introducing maker groups includes selecting one of the retrieved maker groups as a maker group to which a manufacturing order is placed (Col 49, lines 31 – 45 and Col 50, lines 51 - 52).

Regarding claim 4 and related claims 9 and 22, Thackston teaches a method, wherein: said introducing maker groups includes assisting specification determination (Col 2, lines 14 – 65 and Col 4, lines 41 – 50).

Regarding claim 5 and related claims 10 and 23, Thackston teaches a method, wherein: said introducing maker groups includes scheduling delivery dates along which makers in one of the retrieved maker groups hand over materials to complete the given semiconductor device (Col 49, lines 31 – 45).

However, Thackston does not specifically disclose and teach manufacturing of semiconductor devices. It is noted, however, that Thackston does teach a networked based system for the manufacture of parts in a virtual collaborative environment.

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It would have been obvious to one of ordinary skill in the art at the time of the invention to have provided the method, program and medium of Thackston with semiconductor devices to have enabled assisting the placing of an order for manufacturing of a semiconductor device, comprising: registering a maker group of interfaced makers including: organizing a maker group from makers of different categories to manufacture a semiconductor device in collaboration with one another; confirming interfaces among the makers in the organized maker group, the interfaces serving to hand over materials among the makers to complete a semiconductor device; and introducing maker groups of interfaced makers registered through the registering, including: means for retrieving maker groups that satisfy specifications set for a given semiconductor device – in order to have the capability of manufacturing parts such as semiconductors in a collaborative manner. Thackston teaches a networked based system for the manufacture of parts in a virtual collaborative environment (Abstract). An obvious variation of parts for a sonobouy would include semiconductor devices. Therefore, one of ordinary skill in the art at the time of the invention would have been motivated to extend Thackston with semiconductor devices in order to assist the placing of an order for manufacturing of a semiconductor device. In this manner, the kinds of parts will incorporate semiconductor devices, which are a part of sonobouy's.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Rob Rhode** whose telephone number is **(703) 305-8230**. The examiner can normally be reached Monday thru Friday 8:00 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Jeff Smith** can be reached on **(703) 308-3588**.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the **Receptionist** whose telephone number is **(703) 308-1113**.

Any response to this action should be mailed to:

Commissioner for Patents

P.O. Box 1450

Alexandria, Va. 22313-1450

or faxed to:

(703) 872-9306 [Official communications; including
After Final communications labeled
"Box AF"]

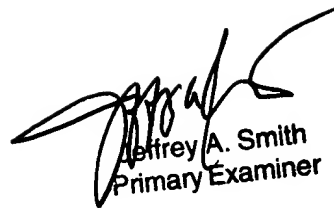
(703) 746-7418 [Informal/Draft communications, labeled
"PROPOSED" or "DRAFT"]

Hand delivered responses should be brought to Crystal Park 5, 2451 Crystal Drive, Arlington, VA, 7th floor receptionist.

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RER



Jeffrey A. Smith
Primary Examiner